

REMARKS AND RESPONSE TO RESTRICTION REQUIREMENT**Claim Amendments**

Claims 1, 3-4, 19, 21-22, 27, 33-36, 39 and 84-108 were pending in the instant application and claims 40-63 are withdrawn from consideration as drawn to a non-elected invention. Claim 85 has been amended. Accordingly, claims 1, 3-4, 19, 21-22, 27, 33-36, 39 and 84-108 will be pending after entry of the instant amendment. Applicant reserves the right to prosecute the claims as originally filed in this or a continuing application.

Support for the claim amendments and new claims can be found throughout the claims and specification as originally filed. No new matter has been added.

Restriction Requirement

The Examiner has required restriction of the invention under 35 U.S.C. 121 to one of the following groups:

Group I: Claims 1, 3-4, 33, 39, 84 and 86-90 drawn to a siRNA comprising an antisense and sense strand wherein the antisense strand is modified by the substitution of each uridine with 2'-fluoro uridine and each cytidine with 2'-fluoro cytidine, classifiable in class 536, subclass 24.5

Group II: Claims 19, 34, 39, 91 and 95-97, drawn to a siRNA comprising an antisense and sense strand wherein the antisense strand is modified by the substitution of each uridine with 5-bromo uridine, classifiable in class 536, subclass 24.5.

Group III: Claims 21, 35, 39 and 98-100, drawn to a siRNA comprising an antisense and sense strand wherein the antisense strand is modified by the substitution of each phosphodiester linkages with a phosphorothioate linkage, classifiable in class 536, subclass 24.5.

Group IV: Claims 22, 39 and 98-100, drawn to a siRNA comprising an antisense and sense strand wherein the antisense strand and the sense strand is modified by the substitution of each phosphodiester linkages with a phosphorothioate linkage, classifiable in class 536, subclass 24.5.

Group V: Claims 27, 36 and 39, drawn to a siRNA comprising an antisense and sense strand wherein the antisense strand is complementary to the sense strand throughout the siRNA but for mismatched base pairs at the two 3' nucleotides referencing the antisense strand, classifiable in class 536, subclass 24.5.

Group VI: Claims 85-90 and 39, drawn to a siRNA comprising an antisense and sense strand wherein the antisense strand and the sense strand are modified by the substitution of each uridine with 2'-fluoro uridine and each cytidine with 2'-fluoro cytidine, classifiable in class 536, subclass 24.5.

Group VII: Claims 92-98 and 39, drawn to a siRNA comprising an antisense and sense strand wherein the antisense strand is modified by the substitution of each uridine with 5-iodo uridine, classifiable in class 536, subclass 24.5.

Group VIII: Claims 101-102, 36, 39 and 106-108, drawn to a siRNA comprising an antisense and sense strand wherein the antisense strand is modified by the substitution of each purine with 2,6 diaminopurine classifiable in class 536, subclass 24.5.

Group IX: Claims 103-108 and 39 drawn to a siRNA comprising an antisense and sense strand wherein the siRNA is modified within the 5' half of the siRNA referencing the antisense strand and unmodified within the 3'half of the siRNA referencing the antisense strand, classifiable in class 536, subclass 24.5.

Applicants hereby elect the Group I invention (Claims 1, 3-4, 33, 39, 84 and 86-90, drawn to an siRNA comprising an antisense and sense strand wherein the antisense strand is modified by the substitution of each uridine with 2'-fluoro uridine and each cytidine with 2'-fluoro cytidine) under 35 U.S.C. §121 for prosecution in the present application, *with traverse*.

Applicants traverse the restriction requirement to the extent that Groups I and VI should be reformed as a single group. Applicants' grounds for traversal are set forth below.

Applicants traverse the restriction of the invention on the grounds that searches of the subject matter of Groups I and VI (newly formed Group I) would be coextensive and there would be no undue burden on the Examiner to search the subject matter of the two groups. Applicants note that Groups I and VI each include claims directed to siRNAs comprising an antisense strand and sense strand, wherein the *antisense strand* is modified by the substitution of each uridine with 2'-fluoro uridine and each cytidine with 2'-fluoro cytidine. In particular, Group I is directed to siRNAs in which the antisense strand is modified and the sense strand is optionally modified, and Group VI is directed to siRNAs in which the antisense strand and the sense strand are modified. In view of the relatedness of the claimed subject matter, it is Applicants' position that search and examination of the claimed subject matter can be made without undue burden on the Examiner. A search with respect to siRNAs comprising a modified antisense strand (Group I) would necessarily identify art relevant to the claims of Group VI (modified antisense and sense strands). Indeed, Applicants further note that the siRNAs of Groups I and VI belong to the same search class (536) and the same subclass (24.5). Accordingly, Applicants submit that the examination of these siRNAs together in the present application would not place an undue burden on the Examiner, since the prior art searches for these siRNAs would be co-extensive. To make the relatedness of the claimed subject matter more clear, claim 85 has been amended so as to be dependent on claim 1. In view of the foregoing, Applicants respectfully request that Groups I and VI be reformed as a single group containing Claims 1, 3-4, 33, 39 and 84-90.

Applicants reserve the right to traverse the restriction between the non-elected groups in this or a separate application.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. UMY-062, from which the undersigned is authorized to draw.

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Respectfully submitted,
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